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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,378	03/18/2004	Thomas B. Ferrara	Ferr-0001	5498

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GFD PATENTS, LLC  
P.O. BOX 752  
CLIFTON PARK, NY 12065

EXAMINER
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VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,378	<b>Applicant(s)</b> FERRARA, THOMAS B.	
	<b>Examiner</b> Ajay Vasudeva	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-12,14-18,41-53 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 41-53 is/are allowed.
- 6) ☒ Claim(s) 2,3,5-12,14-17 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claims Objections*

1. Claims 5, 11, 49 and 55-57 are objected to for the following reasons:
  - In claim 5, the last two lines appear to be grammatically incorrect.
  - In claims 11 and 49, change "**polyvinylchloride (PVC)**" to either  
– **polyvinyl chloride** – or -- **PVC** --.
  - The text of the canceled claims 55 and 56 should not be included. Only the claim number and its canceled status should be indicated.
  - In claim 57, change "**structure(s)**" to – **structure** --; and change "**it's**" to – **its** --.

Appropriate correction is requested.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2, 3, 7 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the limitation "selected from the group consisting of a hook, an eye bolt and combinations thereof at each end of a strap" makes the claim indefinite. It is not clear if:

(A) the group consists of

(i) a hook,

(ii) an eye bolt and

(iii) a hook and an eye bolt at each end of a strap; or if

(B) the group consists of

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- (i) a hook at each end of a strap,
- (ii) an eye bolt at each end of a strap, and
- (iii) a hook and an eye bolt at each end of a strap,

In claim 57, the last 4 lines of the claim are vague and confusing, and makes it difficult to determine the precise metes and bounds of the claim, thereby making the claim indefinite.

Applicant is requested to rephrase the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5, 6, 8-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverstone (US 3,034,154 A).

Silverstone shows a floatation apparatus comprising a platform structure [20], a peripheral buoyancy structure [22] (i.e., the lower chamber), at least one inflatable buoyancy structure [11] removably attached to the floatation apparatus, a resilient member [56] connected to a canopy [57], an attachment structure [59], and a barrier [22] (i.e., the upper inflatable chamber). The platform comprises at least one structure resembling a bowl structure [19] (see figures 1, 4 and 5).

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Silverstone, however, is silent on the peripheral buoyancy structure as being permanently attached to the platform, or the buoyancy structures as being made of PVC. The Examiner takes an Official Notice that permanently attaching the life-raft floor/platform to the peripheral buoyancy structures is old and well known in the art (for e.g., see US 2,764,766 A). Therefore, it would have been obvious for one skilled in the art to permanently attach the life-raft platform to the peripheral buoyancy structure to prevent accidental detachment, thereby ensuring safety of the occupants.

Silverstone discloses the inflatable structures as being formed of rubberized fabric or their equivalents. Silverstone, however, is silent on the inflatable structures as being made of PVC. The Examiner further takes an Official Notice that PVC is a well-known equivalent of rubberized fabric for making the inflatable structures (for e.g., see US 5,297,978 A, col. 5, lines 35-38). Therefore, it would have been obvious for an artisan to substitute one for the other to obtain a product with equivalent inflation characteristics.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverstone (US 3,034,154 A), and further in view of Genovese et al. (US 5,301,630 A)

Silverstone (modified) shows a floatation apparatus, as above. Modified Silverstone, however, does not show a boarding ramp.

Genovese et al. shows a boarding ramp that is removably attached to a rescue floatation apparatus.

It would have been obvious for one skilled in the art to removably attach a boarding ramp to the floatation apparatus of modified Silverstone, as taught by Genovese et al. Having such an arrangement would have enabled a stranded person to easily climb up the ramp, and

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the ramp to be compactly stored in a deflated condition within the limited internal space of the craft.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverstone (US 3,034,154 A), and further in view of JP 05-246382 A ('382)

Silverstone (modified) shows a floatation apparatus, as above. Modified Silverstone, however, does not show perforations in the platform.

JP ('382) shows a platform with perforation [11] for draining water (see fig. 5).

It would have been obvious for one skilled in the art to provide perforations in the platform of modified Silverstone, as taught by JP ('382), which would have enabled the craft interior to be free of stagnant water.

#### ***Allowable Subject Matter***

8. Claims 18 and 41-53 are allowed.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 2,3, 5-12, 14-17 and 57 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. This is a non-final Office action. If preferred, Applicant's representative may optionally contact the Examiner by telephone to discuss an Examiner's Amendment so as to expedite the prosecution of the application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ajay Vasudeva  
Primary Examiner  
Art Unit 3617

*Ajay Vasudeva*  
12/22/06